

REMARKS

This Amendment is being filed in response to the Office Action mailed February 19, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-15 remain in this application, where claims 11-15 have been added.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

In the Office Action, claims 1-10 are rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite. Without agreeing with the Examiner, and in the interest of advancing prosecution, claims 1, 5-7 and 10 have been amended to remove the alleged informality noted by the Examiner. It is respectfully submitted that the rejection of claims 1-10 has been overcome and an indication as such is respectfully requested.

In the Office Action, claims 8-9 are rejected under 35 U.S.C.

§101 as allegedly directed to non-statutory subject matter.

Without agreeing with the Examiner, and in the interest of furthering the prosecution and expediting allowance of the present Application, claims 8-9 have been amended for better form that more clearly recites statutory subject matter. It is respectfully requested that the rejection of claims 8-9 under 35 U.S.C. §101 has been overcome and withdrawal of this rejection is respectfully requested.

In the Office Action, claims 1-10 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable U.S. Patent No. 6,373,861 (Lee) in view of U.S. Patent No. 6,714,526 (Wei). It is respectfully submitted that claims 1-15 are patentable over Lee and Wei for at least the following reasons.

Lee is directed to frequency synchronizing device for OFDM/CDMA system, while Wei is directed to a method and apparatus for code assignments in a spread-spectrum wireless communication system incorporating a Large Area Synchronized-Code Division Multiple Access (LAS-CDMA) protocol.

The Lee OFDM/CDMA system may use one of multiple spreading codes. It is respectfully submitted that, without utilizing the

teachings of the present application and hindsight reasoning, a person skilled in the art could not, in an obvious manner, arrive at the present invention as recited in independent claims 1, 5-7 and 10, which recite a particular spreading codes, namely, spreading the OFDM modulated data symbols with spreading codes including a set of predefined sequences that satisfy predetermined auto-correlation and/or cross-correlation criteria within a region around a central point of an Interference-Free Window (IFW).

Assuming, arguendo, that the combination of Lee and Wei is proper, such a combination still does not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 5-7 and 10 which, amongst other patentable elements, recites (illustrative emphasis provided):


spreading the OFDM modulated data symbols with spreading codes including a set of predefined sequences that satisfy predetermined auto-correlation and/or cross-correlation criteria within a region around a central point of an Interference-Free Window (IFW), wherein a length of the IFW is greater than a channel delay spread of a transmission channel including a set of multi-paths with associated time lengths, the transmission channel having a channel delay spread defined as a time length corresponding to an estimate of a difference between the time lengths of at least two different multi-paths.

These features are nowhere disclosed or suggested in Lee and Wei, alone or in combination. Accordingly, it is respectfully requested that independent claims 1, 5-7 and 10 be allowed. In addition, it is respectfully submitted that claims 2-4, 8-9 and 15 should also be allowed at least based on their dependence from independent claims 1, 5-7 and 10, as well as their individually patentable elements.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By   
Dicran Halajian, Reg. 39,703  
Attorney for Applicant(s)  
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**THORNE & HALAJIAN, LLP**  
Applied Technology Center  
111 West Main Street  
Bay Shore, NY 11706  
Tel: (631) 665-5139  
Fax: (631) 665-5101